



## County of Fresno

### DEPARTMENT OF PUBLIC HEALTH

EDWARD L. MORENO, M.D., M.P.H.

DIRECTOR-HEALTH OFFICER

December 6, 2010

FA0168792

PR0030451

PE4430

#### DECLARATION

#### IN THE MATTER OF:

COALINGA DISPOSAL SITE  
30825 LOST HILLS ROAD  
COALINGA, CALIFORNIA 93210

NOTICE AND ORDER  
DECLARATION OF  
TIM L. CASAGRANDE

I, Tim L. Casagrande, declare under penalty of perjury that the following is true and correct:

1. I am duly employed as Director of Environmental Health, Fresno County Department of Public Health, Environmental Health Division.
2. The allegations of the foregoing Notice and Order are known to me of my personal knowledge to be correct. This knowledge was obtained by a review of records on file at the Fresno County Department of Public Health, Environmental Health Division.

Executed at 1221 Fulton Mall, Fresno, California, 93721 on December 6, 2010.

A handwritten signature in black ink, appearing to read "Tim L. Casagrande", is written over a horizontal line.

Tim L. Casagrande, Director  
Environmental Health Division

#### ***Dedicated to Public Health***

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NOTICE AND ORDER  
OF THE  
DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH DIVISION  
LOCAL ENFORCEMENT AGENCY

IN THE MATTER OF:

Coalinga Disposal Site	)	NOTICE AND ORDER
30825 Lost Hills Road	)	No. 2010-01
Coalinga, California 93210	)	
Facility No. 10-AA-0006	)	Public Resources Code
	)	Division 30, and
	)	Title 14 and Title 27 California Code of
	)	Regulations

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TO: John R. Thompson  
County of Fresno  
Department of Public Works and Planning,  
Resources Division  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, California 93721

**BACKGROUND**

On November 10, 2009, the Coalinga Disposal Site, which is owned by Chevron USA and operated by Fresno County Department of Public Works and Planning, ceased accepting waste prior to the anticipated closure date of December 29, 2029 specified in the current Solid Waste Facility Permit. The Fresno County Department of Public Health, as the Local Enforcement Agency, began noting violations in May 2010 for noncompliance with the submittal of a closure and postclosure maintenance plan for the Coalinga Disposal Site. The owner and operator of Coalinga Disposal Site have selected a consultant to develop and submit the required plan following the attached compliance schedule dated November 5, 2010.

**PLEASE TAKE NOTICE** that the Fresno County Department of Public Health has determined that the Coalinga Disposal Site is in violation of closure and postclosure requirements in that the following section of Title 27 of the California Code of Regulations has been violated.

**Title 27 CCR §21780 Submittal of Closure and Postclosure Maintenance Plans**

If, at its own motion, an operator ceases accepting waste at a landfill prior to the anticipated closure date specified in the currently effective Solid Waste Facility Permit, and the operator does not intend to receive additional waste at the landfill, the operator shall submit final closure and postclosure maintenance plans in accordance with a schedule specified by the EA and concurred with by the RWQCB and CalRecycle. If the RWQCB or CalRecycle does not object to the schedule within 30 days of written notification by the EA, the schedule is

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deemed concurred with by that agency. In no case shall the schedule be longer than six (6) months from the date the operator ceased accepting waste.

**THEREFORE, PURSUANT TO PUBLIC RESOURCES CODE (PRC) DIVISION 30 AND CALIFORNIA CODE OF REGULATIONS, TITLE 27, DIVISION 2, CHAPTER 3, SUBCHAPTER 4, ARTICLE 6; YOU ARE HEREBY ORDERED TO:**

On or before **February 3, 2012**, in concurrence with the attached compliance schedule, submit a plan for the closure and postclosure maintenance of the Coalinga Disposal Site.

**PLEASE TAKE NOTICE THAT PURSUANT TO PRC SECTIONS 45011, 45014, 45023, AND 45024**, if the above actions are not completed or complied with by the specified date, the Fresno County Department of Public Health, as the Local Enforcement Agency may:

- I. Impose administrative civil penalties in an amount not to exceed \$5,000 for each day on which a violation occurs, if compliance is not achieved in accordance with the time frames specified above. [PRC 45011]
- II. Petition the superior court for injunctive relief to enforce this Notice and Order. [PRC 45014]
- III. Petition the superior court for civil penalties in an amount not to exceed \$10,000 for each day the violation occurs. [PRC 45023]
- IV. Any attorney authorized to act on behalf of CalRecycle or Local Enforcement Agency may petition the Superior court to impose, assess, and recover the civil penalties authorized by PRC Section 45023. [PRC 45024]

In the event the time frames for completion of the above specified activities cannot be adhered to due to adverse weather or other factors not in the control of the owner/operator, then the Local Enforcement Agency may extend the time frames based upon those specific factors provided by the owner/operator **IN WRITING**. Any such extension to the time frames or other amendments to this Notice and Order shall be in the form of an Amended Notice and Order.

Failure to remedy the aforementioned violations by the required dates may result in CalRecycle expending available funds to perform cleanup, abatement, or remedial work to protect public health and safety. The owner or operator of the solid waste facility shall reimburse the enforcement agency or CalRecycle for the amount expended. The amount expended shall be recoverable in a civil action by the Attorney General, upon request by the Local Enforcement Agency or CalRecycle. [PRC 45000]

Nothing in the Notice and Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and or operator may be required to take further actions as necessary to protect the public health, safety, and/or the environment.

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The Local Enforcement Agency shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to the Notice and Order. Nor shall the EA be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

This Notice and Order is supported by the accompanying declaration of Tim L. Casagrande.

This Notice and Order does not relieve the owner or operator from complying with all other local, state, and federal requirements, nor does it preclude the Local Enforcement Agency or CalRecycle from taking any and all other actions allowed by law.

This Notice and Order may only be amended in writing by an appropriate representative of the Local Enforcement Agency.

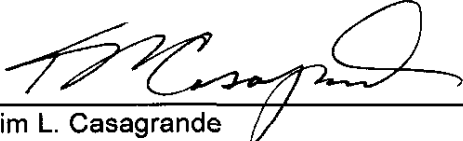
**PLEASE TAKE NOTICE THAT:**

Pursuant to Title 14 CCR Section 18304 (b)(8), the person or entity named in this Notice and Order has the right to appeal this Notice and Order to the Hearing Panel. [PRC 44307]

A request for a hearing before the Hearing Panel must be filed **IN WRITING** within 15 days from the date of receipt of the Notice and Order. [PRC Section 44310]

This Notice and Order is issued as of the date set forth below.

**Dated:** December 6, 2010

BY:   
Tim L. Casagrande  
County of Fresno, Department of Public Health  
Director, Environmental Health Division

**Attachment**

Cc: Edward L. Moreno, Director-Health Officer, Department of Public Health  
Glenn Allen, Supervising Environmental Health Specialist  
Hoa Gip, Environmental Health Specialist  
Patrick Snider, California Department of Resources Recycling and Recovery  
Dane Johnson, California Regional Water Quality Control Board  
Ronald K. Munn, Chevron USA